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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 2nd September 2005

No. 7459-Ii/1 (J)-13/2003/LE.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 29th November 2004 in I.D. Case No. 14/2003 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of the Executive Engineer, P.H.Dvision, Koraput, At/P.O./Dist/ Koraput and its workman Shri Mangala Gadava, C/o. Shri Ghasiram Jena, At/ Jayanagar, P.O/ Jeypore, Dist/ Koraput was referred for adjudication is hereby published as in the schedule below:—

SCHEDULE

IN THE COURT OF THE PRSIDING OFFICR, LABOUR COURT, JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE No. 14/ 2003

Dated the 29th November 2004

Present:

Shri R.K. Saran,
Presiding Officer,
Labour Court, Jeypore,
Dist. Koraput.

Between:

The Management of
Executive Engineer,
P.H. Division, Koraput,
At/P.O./Dist. Koraput.

. . First party—Management

Versus

Its Workman,
Shri Mangala Gadava,
C/o. Shri Ghasiram Jena,
At/ Jeyanagar,
P.O. Jeypore,
Dist. Koraput.

. . Second party—Workman

Under Sections: 10 & 12 of the Industrial Disputes Act, 1947.

Appearances:

For the Mangement

. . Shri Ranjan Kumar Satapathy,
Assistant Engineer, P.H.
Sub division, Jeypore,
A/R of the Management,
P.H.Division, Koraput

For the workman

. . Self

Date of Argument

. . 05-11-2004

Date of Awrad

. . 29-11-2004

AWARD

This is a reference U/s. 10 (1) read with Section 12 (5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department Memo. No. 8293 (5), dated the 23rd August 2003 for adjudication of the dispute mentioned below.

SCHEDULE

“Whether the termination of services of Shir Mangala Gadava with effect from 24-09-1996 by the Executive Engineer, Koraput P.H. Division, Koraput is legal and/or justified ? If not what relief is Shri Gadava entitled to ?”

2. The above case was received from the Government to answer the reference mentioned below.

3. Both parties were noticed and they submitted counter. In the course of hearing of the case such of the workman while working misbehaved the staff and was coming to office in drunken stage for which the Management was reluctant to engage him. During course of hearing a direction was given to the Management to engage the workman who agreed, subject to the condition that the workman will not drink during office hours, will not create disturbance for and will claim back wages. Workman also gave an undertaking. The Management agreed to that but submitted, that if any dereliction of the duty of the workman is found, they are at liberty to remove the workman. As per direction the Executive Engineer, P.H. Division reported that the workman joined in the office on 08-11-2004. The Management was directed to watch the conduct of the workman till 29-11-2004 but by 29-11-2004 no adverse report is received against the second party workman. Therefore, it is clear that the second party workman has been engaged in the Department without any disturbance. Hence the reference is answered accordingly.

Dictated and corrected by me.

R.K.SARAN
29-11-2004,
Presinding Officer,
Labour Court,
Jeypore.

R.K.SARAN
29-11-2004,
Presinding Officer,
Labour Court,
Jeypore.

By order of the Governor

D. MISHRA

Under-Secretary to Government